

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-091229

06/16/2003

THE HONORABLE JOHN M. GAYLORD

CLERK OF THE COURT
M. Cabral/L. Gonzales
Deputy

FILED: 06/23/2003

STATE OF ARIZONA

LAWRENCE M CUTLER

v.

CLYDE A HANEY (B)

STEPHEN M JOHNSON
MICHAEL A BREEZE

APO-PLEAS-SE
PSA - SE
VICTIM SERVICES DIV-CA-SE

TRIAL MINUTE ENTRY
DAY SIX

State's Attorney:	Lawrence Cutler
Defendant's Attorney:	Stephen Johnson and Michael Breeze
Defendant:	Present
Court Reporter:	Sharon Flores

11:53 a.m. Trial to Jury continues from June 13, 2003.

The jury is present.

Closing arguments.

1:40 p.m. Deputy Court Clerk, L. Gonzales, now present.

Closing arguments continue.

The jury is instructed by the Court as to the law applicable to this cause.

Juror #4 is designated by lot as the alternate juror and is excused.

2:00 p.m. The jury retires in charge of sworn bailiffs to consider their verdicts.

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Court remains in session.

Counsel for Defendant renews Rule 20 Motion for Directed Verdict.

IT IS ORDERED denying said motion.

2:04 p.m. Court stands at recess.

4:28 p.m. Court reconvenes with respective counsel and Defendant present.

Court reporter: Sharon Flores

The jury is all present in the jury box and by their foreperson return into Court their verdicts, which are read and recorded by the clerk, and are as follows:

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find the Defendant as to the charge of Count I: Aggravated Assault

Not Guilty

Foreperson”

The jury replies that this is their true verdict.

“We, the Jury, duly empanelled and sworn in the above entitled action, upon our oaths, do find the Defendant as to the charge of Count II: Unlawful Flight from Law Enforcement Vehicle

Guilty

Foreperson”

The jury replies that this is their true verdict.

At the request of counsel for State, the jury is polled and each juror replies that this is his or her true verdict as to each Count.

FILED: Verdicts (2)

The jury is excused from further consideration of this cause.

IT IS ORDERED setting time for entry of judgment of guilt and sentencing on July 18, 2003 at 8:30 a.m. in this division.

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IT IS FURTHER ORDERED that a presentence investigation and report be made and that the Defendant shall immediately report to the Adult Probation Department. Defendant is instructed to report to the Adult Probation Department no later than 5:00 p.m., June 17, 2003.

Counsel for Defendant moves to modify Pretrial Services release conditions to allow the removal of the electronic monitoring device.

Counsel for State and victim oppose modification of release conditions.

IT IS ORDERED affirming the bond of \$25,000.00 in this matter previously posted.

IT IS FURTHER ORDERED modifying Pretrial Services release conditions to allow the removal of the electronic monitoring device.

IT IS FURTHER ORDERED Defendant to report to Pretrial Services.

Formal written modified Release Order is signed by the Court June 16, 2003 and filed with the Clerk of the Court June 16, 2003.

IT IS FURTHER ORDERED affirming prior release orders as modified above.

FILED: Final Instructions of Law; Exhibit Worksheet; Trial/Hearing Worksheet

ISSUED: Pink Slip

4:40 p.m. Court adjourns.